



**CITY OF SUNNYVALE
HOUSING DIVISION
BELOW MARKET RATE (BMR) – RENTAL HOUSING PROGRAM
456 W. Olive Avenue, Sunnyvale, CA 94086
Phone: (408) 730-7456
Fax: (408) 737-4906**

NOTICE – BMR-R-07/08-2

DATE: April 23, 2008

**TO: Property Owners of Rental Properties, Property Managers,
Operations Managers and Leasing Managers**

SUBJECT: US CITIZENSHIP OR LEGAL RESIDENCY REQUIREMENT MODIFICATION

EFFECTIVE IMMEDIATELY

Administrative Reference:

Administrative Procedures for the Below Market Rate (BMR) Rental Program, dated August 9, 2004 are herein revised. This NOTICE acts as an interim document to provide guidance to BMR Rental Property Owners and Managers, until revised guidelines are issued.

Updates

California Assembly Bill Number AB 976, adding California Civil Code Section 1940.3, prohibits cities and counties from enacting any law that would require a landlord to take any action regarding a tenant or a prospective tenant based on the immigration or citizenship status of that tenant. AB 976 also prohibits a landlord from inquiring about a tenant's or prospective tenant's immigration status or citizenship and requiring proof of legal residency or citizenship as a prerequisite to renting.

The bill **does not prohibit** a landlord from complying with any legal obligation imposed by federal law or requesting documentation necessary to verify a prospective tenant's identity or financial qualification to rent.

U.S. Citizenship or Legal Residency is **no longer required** of a household wishing to rent a BMR unit. Furthermore:

- 1) Property owners of rental properties, property managers, operations managers and/or leasing managers **may NOT** make any inquiry regarding or based on the immigration or citizenship status of a tenant, prospective tenant, occupant, or prospective occupant of residential rental property, and
- 2) Property owners of rental properties, property managers, operations managers and/or leasing managers **may NOT** require a tenant, prospective tenant, occupant, or prospective occupant of residential rental property to make any statement, representation, or certification concerning his or her immigration or citizenship status.

Please discontinue use of any application previously provided by the City of Sunnyvale which requests a tenant or prospective tenant's immigration status or citizenship.

New Forms R-3, R-11 and R-15 have been created and is available on our website at www.sunnyvale.ca.gov/housing.